

IN THE SENATE OF THE UNITED STATES.

JUNE 14, 1860.—Ordered to be printed.

Mr. MALLORY made the following

REPORT.

[To accompany Bill S. 508.]

The Committee on Naval Affairs, to whom was referred the petition of William Nelson, a Lieutenant in the Navy, have had the same under consideration, and report :

During the year 1856, the petitioner was in command of the United States ship Fredonia, stationed at Valparaiso, and, under the direction of the Secretary of the Navy, acted as naval storekeeper, receiving for the latter duty neither pay nor emolument. A robbery was committed on board that vessel of one hundred and twelve dozen black silk handkerchiefs, and the value of the goods stolen and unrecovered amounts to \$1,005 76, as now charged against the petitioner by the accounting officers of the treasury, for which relief is prayed.

The papers in this case were submitted to the Navy Department for information, and the following reply was received, to which your committee append the evidence therein referred to, showing as well the theft as the diligence and care exercised in the custody of the property by the petitioner :

NAVY DEPARTMENT, June 13, 1860.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant, inclosing a petition, with accompanying papers, of Lieutenant William Nelson, United States navy, praying relief from losses sustained by him through robbery while in command of the store ship Fredonia and performing the duties of naval storekeeper at Valparaiso, and requesting such information or suggestions bearing on the case as the department may deem proper to communicate.

The papers accompanying the petition contain a statement of the circumstances attending the loss of certain articles of government clothing under the petitioner's charge, which appear to have been stolen by one of the crew of the Fredonia, George Calow, who, upon trial, plead guilty, and was sentenced to punishment.

The evidence before the court of investigation into the robbery, held by the United States consul at Valparaiso, on board the Fredonia, will

afford the committee all the information that exists whether every proper precaution had been taken to prevent robbery, and whether the loss of the clothing was attributable to carelessness or inattention on the part of the petitioner.

The petition and papers are herewith returned.

I am, very respectfully, your obedient servant,

ISAAC TOUCEY.

Hon. S. R. MALLORY,

Chairman Committee on Naval Affairs, U. S. Senate.

UNITED STATES SHIP FREDONIA,

Valparaiso, May 23, 1856.

SIR: A robbery of considerable extent of articles of the storekeeper's apartments having been committed on board this ship, I have the honor to request that you will repair on board and hold a court of investigation, in order that I may be enabled not only to proceed against the thieves, but the receivers on shore.

Very respectfully, your obedient servant,

WILLIAM NELSON,

Lieutenant Commanding.

GEORGE B. MERVINE,

United States Consul, Valparaiso.

At a court of investigation, held on board the United States ship Fredonia, laying in the port of Valparaiso, on the 23d day of May, A. D. 1856, by George B. Mervine, consul of the United States for the port of Valparaiso, Chile, personally appeared before me Dawson Phenix, lieutenant navy on board said ship, who being by me first duly sworn upon the Holy Evangelists of Almighty God, does freely, voluntarily, and solemnly declare, depose, and say, that on or about the 22d day of May, instant, the storekeeper's clerk of said ship being about to serve out slop clothing to several men just enlisted, the said clerk called deponent's attention to one of the packages marked to contain 1,344 black silk handkerchiefs, 384 pieces black hat ribbon, and ninety-six cotton pocket handkerchiefs; deponent found said box empty, and considered that said box had been robbed and plundered by some one or more of the ship's crew, upon which (the captain of said ship being absent on shore) deponent, as executive officer, ordered and personally superintended a thorough search of the ship. There was found stowed away in the boatswain's locker, say, about twenty pieces of black ribbon for hats, and the balance of the hat ribbons, with the exception of three pieces, was discovered in the spare galley on the main deck, concealed, and all the pocket cotton handkerchiefs were found stowed away and concealed amongst some packages of the cargo necessarily stowed on the starboard side of the berth-deck, forward. In deponent's opinion, the robbery of said box had been recently perpetrated, from the fact of a shore boat having been seen prowling around the ship the night before with muffled oars, as rep-

resented to me by the officer of the deck, Dole, at the time, and which boat, on being hailed, immediately made for the shore. The silk handkerchiefs have not been found, and deponent thinks they have been taken from the ship; deponent then caused George Calow, seaman on board, to be confined in double irons, on suspicion of being concerned in the robbery. The packages of goods so robbed was stowed upon the after part of the berth-deck in front of state rooms occupied by officers. The holds, spirit rooms, store rooms, sail rooms, and round house, and all other available places on board said ship were stowed full of government stores.

Question by Lieutenant Commanding Nelson: Had all proper precaution been uniformly taken to prevent robberies from the cargo?

To this question, deponent says, yes; particularly from the fact, that previous robberies had been committed on board; and further this deponent saith not.

DAWSON PHENIX,
Lieutenant United States Navy.

Sworn to and subscribed before me, the date before written.

GEORGE B. MERVINE,
Consul of the United States.

Also, at same time and place, before me personally appeared Peter A. McKellar, storekeeper's clerk on board said ship, who being by me first duly sworn according to law upon the Holy Evangelists of Almighty God, does freely, voluntarily, and solemnly depose and say:

That on the 22d day of May instant, deponent went to serve out a requisition handed him by executive officers. Lieutenant Dawson Phenix, appointed by the captain to issue clothing from the purser's department to some recruits recently shipped on board said ship Fredonia, having issued all the clothing on the requisition to them, except some black silk handkerchiefs, which were in a box in the naval storekeeper's department, deponent went to masters' mate, Dole, and requested him to have the box brought out for the purpose of opening it, which, when found for that purpose, it became evident to both of us that said box had been opened and nailed up again by some person or persons unknown. Deponent immediately reported the circumstance to Lieutenant Phenix, and requested him to come and see the box opened, which he did. Upon opening the box, which was marked to contain 1,344 black silk handkerchiefs, 384 pieces black ribband, 96 cotton pocket handkerchiefs, we found the said box contained none of the articles specified upon it, and empty; and further this deponent saith not.

PETER A. McKELLAR,
Naval Storekeepers' Clerk.

Sworn to and subscribed before me, the date first above written.

GEORGE B. MERVINE,
Consul of the United States.

Also, at same time and place, before me personally appeared Edward Hampfelt, who, being by me first duly sworn, according to law, upon the Holy Evangelists of Almighty God, does freely, voluntarily, and solemnly declare, depose, and say: That he is a cooper on board United States ship Fredonia; that on the 22d day of May instant, one George Calow, seaman on board said ship, told deponent that he had stolen some black silk handkerchiefs from said ship; that Calow told him this when deponent took said Calow from the brig to the head, and at the same time Calow gave him pieces of black ribbon, which he had on his person, saying, "take this, so they can find nothing on me when searched." Calow also told me that he had sold black handkerchiefs to a German tailor in San Francisco street, Valparaiso. Also, Calow told deponent that he had given some money and two gold rings to one John McCarty, seaman on board said vessel.

EDWARD HAMPFELT.

Sworn to and subscribed before me, this date last above written.

GEORGE B. MERVINE,

Consul of the United States.

Also, at same time and place, personally appeared George Calow, who being by me first duly sworn upon the Holy Evangelists of Almighty God, according to law, does freely, voluntarily, and solemnly declare, depose, and say: That he is a seaman on board the United States ship Fredonia, in the port of Valparaiso; that he has been in the habit of robbing said ship for the month last past; that, about one month since, he broke open a box containing black silk handkerchiefs, cotton handkerchiefs, and pieces of black ribbon; that, at various times, he sold black silk handkerchiefs to a Dutch tailor named Damos, who lives near Stone Hotel, about sixteen dozen, at \$6 per dozen; also sold to a Spanish tailor, near the "Plaza Unrecipalidad," about twelve dozen black silk handkerchiefs, at \$6 per dozen; also sold to Pepe, boarding-house keeper on Callicochr, and about two blocks from said Plaza, about twelve dozen black silk handkerchiefs, at \$6 per dozen; also sold to Manuel and Santiago, two men whom he had seen often at Pepe's, the balance of the black silk handkerchiefs which he took, being one hundred and twelve dozen altogether; except, also sold out of the same lot to "Cheap John," who lives opposite, a Dutch shoemaker named Shinider, six or eight dozen, at \$4 25 per dozen; the last mentioned being the first lot which I sold; deponent also sold four dozen of said silk handkerchiefs to some stranger, who went to the country, at \$5 per dozen; deponent also declares that he stowed the cotton handkerchiefs and the pieces of black ribbon taken from the said box in the galley and various other parts of the ship; deponent also declares that these goods were taken while the officers were at dinner, or when company was on board said ship Fredonia.

GEORGE CALOW.

Sworn to and subscribed before me, this 22d day of May, 1856.

GEORGE B. MERVINE,

Consul of the United States.

It appears from the evidence of Lieutenant Phenix, that all proper care had been taken to prevent loss to the government by theft, on account of previous robberies, and the prisoner himself states that the goods were taken "while the officers were at dinner, or when company was on board."

Your committee do not think that petitioner should be compelled to pay this large amount for losses he strove to prevent by all due diligence. The manner in which the theft was committed is clearly proven in the record of the trial and conviction of the prisoner, filed with the papers, and which trial resulted in his sentence to the United States penitentiary, in the city of Washington, for the term of five years. They therefore report the accompanying bill, and recommend its passage.



